



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,024	12/15/2003	Thomas E. Creamer	BOC9-2003-0078 (449)	4171

40987 7590 06/18/2007  
AKERMAN SENTERFITT  
P. O. BOX 3188  
WEST PALM BEACH, FL 33402-3188

EXAMINER	
SHIN, KYUNG H	

ART UNIT	PAPER NUMBER
2143	

MAIL DATE	DELIVERY MODE
06/18/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/736,024

Applicant(s)

CREAMER, THOMAS E.

Examiner

Kyung H. Shin

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 7/26/04.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. This action is responding to application papers filed on **12-15-2003**.
2. Claims **1 - 18** are pending. Claim **1, 7, 13** are independent.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim **1 - 18** are rejected under 35 U.S.C. 102(e) as being anticipated by **Brown et al.** (US Patent No. **20030112952**).

**Regarding Claim 1**, Brown discloses a method of permitting a user to remain in contact with at least one other entity comprising:

- a) establishing a contact list comprising the at least one other entity; (see Brown paragraph [0026], lines 1-5; paragraph [0064], lines 3-8; paragraph [0077], lines 1-4: subscriber (user) contact list (entities))

- b) establishing at least one service rule used for contacting the at least one other entity; (see Brown paragraph [0026], lines 8-12; paragraph [0054], lines 1-5: rule(s) for contacting entities) and
- c) establishing at least one contact rule used for contacting the user after the at least one other entity has been contacted. (see Brown paragraph [0079], lines 3-6; paragraph [0080], lines 1-6: contact subscriber (user) after entity has been contacted)

**Regarding Claim 2, 8, 14,** Brown discloses the method, machine-readable storage, system of claims 1, 7, 13, wherein the contact list is a database and the contact list includes information selected from names, phone numbers, email addresses, pager numbers, and a combination thereof. (see Brown paragraph [0153], lines 5-9: database; paragraph [0022], lines 1-3; paragraph [0022], lines 10-13; paragraph [0096], lines 11-14: contact information, e-mail address, name; paragraph [0017], lines 1-4; paragraph [0018], lines 8-11: software, implementation means)

**Regarding Claims 3, 9, 15,** Brown discloses the method, machine-readable storage, system of claims 1, 7, 13, wherein the at least one service rule is selected from how to contact the at least one entity, what to ask the at least one entity, a time period to contact the at least one entity, and a combination thereof. (see Brown paragraph [0026], lines 8-12; paragraph [0029], lines 1-6: contact rule(s), how to contact, time period)

**Regarding Claims 4, 10, 16,** Brown discloses the method, machine-readable storage, system of claims 1, 7, 13, further comprising the steps of:

- a) contacting the at least one other entity using the at least one service rule; (see Brown paragraph [0071], lines 1-10: initiate call request)
- b) obtaining information from the at least one entity; determining whether the information satisfies the at least one contact rule; (see Brown paragraph [0072], lines 1-7: determine state (approval or disapproval) of call request) and
- c) contacting the user if the at least one contact rule has been satisfied. (see Brown paragraph [0079], lines 3-6; paragraph [0080], lines 1-6: contact subscriber (user) after entity has been contacted)

**Regarding Claims 5, 11, 17,** Brown discloses the method, machine-readable storage, system of claims 4, 10, 16, wherein the contact list comprises at least two entities and the user is contacted after each of the at least two entities is contacted if the at least one contact rule has been satisfied. (see Brown paragraph [0020], lines 1-5: subscriber and two entities (two or three parties) involved in contact attempt; paragraph [0079], lines 3-6; paragraph [0080], lines 1-6: subscriber (user) contact when availability exists (rule satisfied))

**Regarding Claims 6, 12, 18,** Brown discloses the method, machine-readable storage, system of claims 4, 10, 16, wherein the contact list comprises at least two entities and the user is contacted after all of the at least two entities is contacted if the at least one

Art Unit: 2143

contact rule has been satisfied. (see Brown paragraph [0020], lines 1-5: subscriber and two entities (two or three parties) involved in contact attempt; paragraph [0079], lines 3-6; paragraph [0080], lines 1-6: subscriber (user) contact when availability exists (rule satisfied))

**Regarding Claim 7**, Brown discloses a machine-readable storage having stored thereon, a computer program having a plurality of code sections, the code sections executable by a machine for causing the machine to perform the steps of:

- a) establishing a contact list comprising the at least one other entity; (see Brown paragraph [0026], lines 1-5; paragraph [0064], lines 3-8; paragraph [0077], lines 1-4: subscriber (user) contact list (entities))
- b) establishing at least one service rule used for contacting the at least one other entity; (see Brown paragraph [0026], lines 8-12; paragraph [0054], lines 1-5: rule(s) for contacting entity) and
- c) establishing at least one contact rule used for contacting the user after the at least one other entity has been contacted. (see Brown paragraph [0079], lines 3-6; paragraph [0080], lines 1-6: contact subscriber (user) after entity has been contacted)

**Regarding Claim 13**, Brown discloses a system of permitting a user to remain in contact with at least one other entity comprising:

- a) means for establishing a contact list comprising the at least one other entity; (see Brown paragraph [0026], lines 1-5; paragraph [0064], lines 3-8; paragraph [0077], lines 1-4: subscriber (user) contact list (entities))
- b) means for establishing at least one service rule used for contacting the at least one other entity; (see Brown paragraph [0026], lines 8-12; paragraph [0054], lines 1-5: rule(s) for contacting entity) and
- c) means for establishing at least one contact rule used for contacting the user after the at least one other entity has been contacted. (see Brown paragraph [0079], lines 3-6; paragraph [0080], lines 1-6: contact subscriber (user) after entity has been contacted)

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyung H. Shin whose telephone number is (571) 272-3920. The examiner can normally be reached on 9:30 am - 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2143

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kyung Hye Shin  
Patent Examiner  
Art Unit 2143

*Kyung Hye Shin*  
\*\*\*

KHS  
June 10, 2007